

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. CODY WAYNE HOPKINS, Defendant.	CR. 20-50095-JLV PRELIMINARY ORDER OF FORFEITURE
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Upon motion of the plaintiff for a preliminary order of forfeiture, the court finds:

1. As the result of the guilty verdict to the indictment, for which the government sought forfeiture pursuant to 18 U.S.C. § 2428, defendant shall forfeit to the United States one Google cellular telephone, Verizon SIM and ICCID 89148000004442173723.

2. Based on the defendant's consent and plea agreement, the defendant has an interest in the above property, the property is subject to forfeiture pursuant to 18 U.S.C. § 2428 , the government has established the requisite nexus between the property and the offense, and the above-described property is property used or intended to be used to commit the offense described in the indictment to which the defendant pled guilty.

United States v. Beltramea, 785 F.3d 287 (8th Cir. 2015).

Accordingly, it is

ORDERED

1. Upon the entry of this order, the United States is authorized to seize the above property for forfeiture, whether held by the defendant or by a third party, and to conduct any discovery proper in identifying, locating or disposing of the property subject to forfeiture in accordance with Fed. R. Crim. P. 32.2(b)(3).

2. Upon the entry of this order, and pursuant to Fed. R. Crim. P. 32.2(b)(6) and Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Cases, the United States shall post to www.forfeiture.gov, for a period of thirty (30) consecutive days, notice of this order, notice of the United States' intent to dispose of the property according to law, and notice that any person, other than the defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with this court within thirty (30) days of the final publication of notice or receipt of actual notice, whichever is earlier.

3. Further, the notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, and any additional facts supporting the petitioner's claim and the relief sought.

4. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the

property identified above as a substitute for published notice as to those persons so notified.

5. Upon adjudication of all third-party interests, this court will enter a final order of forfeiture.

Dated January 26, 2023.

BY THE COURT:

/s/ *Jeffrey L. Viken*

JEFFREY L. VIKEN

UNITED STATES DISTRICT JUDGE